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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,258	11/29/2001	Michael Horn	112740-301	1343

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EXAMINER

WINTER, JOHN M

ART UNIT PAPER NUMBER

3621

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,258

Applicant(s)

HORN ET AL.

Examiner

John M Winter

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☒ Claim(s) 11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/29/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Status

Claims 1-16 have been examined

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "essentially in real time" does not distinctly define the claimed invention.

Claims 4-9 and 13-14 are objected to under 37.CFR1.75 (c) as being in improper form because a multiple dependant claim cannot depend from any other multiple dependant claim. See MPEP 608.01(n). Accordingly the claims have not been further treated on merits.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen (US Patent 6,205,436) in view of Wankmueller (US Patent Application US 2001/0027441)

As per claim 1,

Rosen ('436) discloses an electronic payment method for paying for merchandise or service offered by a vendor and ordered by purchaser over data or telecommunication network using a prepaid electronic credit, essentially in real time, over the network,

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where a predetermined credit sum required for paying for the merchandise or service is transferred, to an electronic interim account belonging to the purchaser, in particular after intervening transfer by a debit signal, to an electronic target account belonging to the vendor.(Column 2, lines 24-34; figure 1)

Rosen ('436) does not explicitly disclose in response to transfer signal transmitted by first terminal associated with the purchaser. Wankmueller ('441) discloses in response to transfer signal transmitted by first terminal associated with the purchaser. (Figure 2) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Rosen ('436)., ('403) method with the Wankmueller ('441) method in order the merchant to receive payment.

As per claim 2

Rosen ('436) discloses the payment method as claimed in claim 1, characterized in that the prepaid electronic credit is managed on a credit management server in the data network or in telecommunication network connected thereto,(Figure 5)

Rosen ('436) does not explicitly disclose a piece of credit transfer software via implemented on an application server in the data network or telecommunication network. Wankmueller ('441) discloses a piece of credit transfer software via implemented on an application server in the data network or telecommunication network. (Figure 1) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Rosen ('436)., ('403) method with the Wankmueller ('441) method in order allow global access to the credit management server.

As per claim 3

Rosen ('436) discloses the payment method as claimed in claim 1 or 2, characterized in that the interim account is managed on an account management server in the data network.(Figure 5)

As per claim 10,

Rosen ('436) discloses a data transmission arrangement for merchandise or a service offered by ordered by a purchaser over a data network using a prepaid electronic credit, essentially in real time, over the data network, which arrangement has:

a piece of credit transfer software implemented on an application server, a first terminal associated with the purchaser for entering credit and account identifiers and payment initiation signal, and a data or telecommunication network connection between the first terminal, the credit management server, the account management server or account management servers and the application server in order to implement a data transfer process, implementing an electronic transfer, between these elements.(figures 43 A-B)

Rosen ('436) does not explicitly disclose credit memory, managed on a credit management server, for storing the prepaid electronic credit, an interim account memory on an account management server, a target account memory on the account management server or on a further account management server. Wankmueller ('441) discloses a credit memory, managed on a credit management server, for storing the prepaid electronic credit,(Figure 1)an interim account memory on an account management server, a target account memory on the account

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management server or on a further account management server, (Figure 1) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Rosen ('436), ('403) method with the Wankmueller ('441) method in order to allow centralized management of credit data.

Allowable Subject Matter

Claims 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Winter whose telephone number is (703) 305-3971. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703)305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

September 5, 2004

JMW


JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
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